City of Lafayette
Staff Report
City Council

Meeting Date: April 14, 2025

To: City Council

From: James Williams, Police Chief

Mala Subramanian, City Attorney

Subject: **Update on Free Speech/Protests at Lafayette Elementary School**

In 2024 and in the past few months, the City received complaints about people gathering on Moraga Road in front of Lafayette Elementary School with signs directed at students and parents entering and leaving the school. Concerns were expressed about the safety and well-being of the children and the potentially dangerous conditions created by this distraction on a heavily traveled road. The City was asked to consider adopting an ordinance which would prohibit all demonstrations on City property within 25 yards of school sites during the 30-minute periods before and after school start and dismissal times on school days.

ANALYSIS

The City of Lafayette makes every effort to balance free speech and association rights with the rights of community members to enjoy peaceful and safe public spaces. Those who are gathering to protest topics pertaining to the education of students at Lafayette Elementary School are exercising their right to freely assemble and engage in free speech in a public forum. Accordingly, the state and federal constitutions limit the City's ability to regulate these protests:

- The City may not establish a blanket prohibition to bar these individuals from gathering, or from engaging in free speech.
- The City may impose reasonable restrictions on the time, place, and manner of the gathering and the speech, so long as these restrictions are (1) content-neutral, (2) narrowly tailored to serve the City's significant interest in ensuring the safety and convenience of the community members also using this public forum area, and (3) leave open alternative channels for the message to be communicated. These time, place, and manner restrictions could not be used to bar protests from occurring during school pick-up and drop-off or to relocate protests away from the school because it does not allow them to reach their target audience. Absent a genuine obstruction to pedestrian or vehicle traffic, the scope of legally permissible time, place and manner restrictions is narrower than those options proposed by community members.
- The City will take steps to ensure that all pedestrians and vehicles are allowed safe passage through the area, in accordance with traffic, pedestrian, and ADA regulations.
- In addition, signs on public property are prohibited without an encroachment permit. A sign which causes an unsafe condition by interfering with the vision of a motorist or which interferes with the safe and convenient passage of pedestrians is also prohibited.

- Lastly, the City will take all appropriate action against conduct or speech that rises to the level of inciting violence or is otherwise outside the protections of the First Amendment, as defined by U.S. Supreme Court case law.

Enforcement
The police department received more than 170 calls for service in the vicinity of 950 Moraga Road and the intersections near the Lafayette Elementary School for the past 12 months. Of those, approximately 30 calls were directly related to the protests in front of the school. Only three protest-related calls for service have been generated in 2025, all occurring in March. The remainder took place early last year, between March and May 2024. No police reports have been filed this year regarding protest activity. In 2024, three reports were taken.

The Lafayette Police Department remains aware of the ongoing demonstrations and is committed to maintaining public safety for all members of our community. We continue to work closely with individuals on all sides of the issue to ensure their right to free speech is respected and protected. At the same time, we will not tolerate violations of the law, and our priority is the safety and well-being of our residents, students, and visitors.

We encourage everyone to express their opinions respectfully and within the boundaries of the law.

RECOMMENDATION
Receive and file.

Attachments
Public comments